



AUG 12 2005

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000
TTY 711 or 800-833-6388 (for the speech or hearing impaired)

August 4, 2005

Mr. George Boggs
District Manager
Whatcom County Conservation District
6975 Hannegan Road
Lynden, WA 98264

Re: Centennial Clean Water Fund/Clean Water Act Section 319 Nonpoint Source
Fund/Washington State Water Pollution Control Revolving Fund
FY06 Applications FP06050 and FP06051

Dear Mr. Boggs:

Thank you for your July 18, 2005, letter outlining concerns on how the Department of Ecology (Ecology) staff rate and rank water quality financial assistance applications. I apologize for neglecting to send a written response to address your concern earlier. I recall that we spoke briefly about this issue by phone when I called in early May regarding projects that were removed from funding consideration due to budget constraints. Based on our phone conversation, I had anticipated a letter from you during the FY06 public comment period. This would have provided us the opportunity to officially respond to your concern in the responsiveness summary in the final list document.

As I had indicated in our phone conversation, I agree that the reviewer comments regarding who should fund such a project were out of place in rating the applications, which were eligible for funding under our program. It is unfortunate that the comments were included in the evaluation. This was the view of one of the two reviewers, and was from outside the Ecology region where your project was proposed. As you probably know, our ranking process involves two independent regional reviewers, one from the region of project origin and one from another Ecology region. Our process also requires that we reassess any scores that deviate by 10 percent between the two reviewers, which provides a safeguard against unreasonable scores or errors in scoring. This did not occur on the two projects referenced above.

In reviewing the two sets of evaluator scores and comments, we found that they are very similar and consistent, outside of the comment in question. This indicates that scoring was made based on the application content and not based on the comment in question.

I also spoke with the reviewer that made the comments to make sure they were aware that such comments were inappropriate and misdirected. I was assured that the comments were general in nature and did not impact scoring on individual questions. From this information, I believe that there was no impact to scoring. In addition, if we throw out the questionable scores, and use only the primary reviewer scores, there is little difference in where these projects rank on the list.



Mr. George Boggs

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In your letter you request that the reviewer who made the questionable comments be barred from reviewing applications in the future. Although we believe that correction of the problem could be easily resolved through discussion and training, as it turns out the staff person in question recently left the Water Quality Program and will not be involved in any future evaluations.

We do strive to conduct an objective process for rating and ranking applications and take measures to ensure a fair process. Each year, as we start the evaluation and scoring process, we conduct a full-day training workgroup meeting with all the evaluators to discuss the evaluation process, methods, and rating consistency. Although we cannot assure you that our process will ever be completely objective, we can assure you that we will do our best to ensure that our evaluators focus on objectivity, consistency, fairness, and appropriate and constructive comments in the rating and ranking of water quality financial assistance applications. To this end, we will be discussing the issue of providing constructive and appropriately directed comments during this coming funding cycle's evaluator training session.

Thank you for bringing your concern to my attention, and please feel free to contact me if you wish to discuss the issue further.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeff Nejedly', is written over the word 'Sincerely,'.

Jeff Nejedly

Financial Management Section

cc: WCD Board
Mark A. Clark, WSCC Executive Director
David C. Peeler, WQ Program Manager



Whatcom Conservation District

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July 18, 2005

Jeff Nejedly
Washington State Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600

Re: Centennial Clean Water Fund/Clean Water Act Section 319 Nonpoint Source
Fund – Eligibility to address Livestock non-point impacts.

Dear Mr. Nejedly:

Soon after the announcement of the draft FY 2006 Offer list, I registered concern that comments to our applications included:

FP06050 -- "Since the Dept. of Ecology has had the Dairy program transferred to the Dept. of Agriculture it would make sense for funding to come out of their agency."

FP06051 -- "This is one that Dept. of Agriculture should be at least partially fund since they are the "keepers" of the Dairy Program."

Applying for these grants required a great deal of time and effort. We studied the application and supporting materials thoroughly for guidance. Staff attended a grant workshop. The above referenced considerations were not mentioned. This apparently arbitrary imposition of additional selection criteria by the reviewer has tainted the FY2006 process. While we did not appeal the ranking, it raises the question as to whether it would be fruitfull to apply for funding in future rounds to address livestock impacts.

I expected but did not receive any acknowledgement from the Dept of Ecology that it agreed this was inappropriate for the reviewer to manifest such a perspect and that steps would be taken to ensure its reoccurrence. Before we expend prescious resources in making a futile FY2007 application, we would like assurance that steps have been taken to avoid a repeat of the FY2006 experience. Specifically, reviewers will be admonished to strictly adhere to the announced guidelines and procedures. Such a warning are not likely eliminate the prejudice of the person who reviewed our FY2006 grants and could perhaps result in retaliatory action. So, we ask that this person be barred from not only reviewing Whatcom Conservation District applications but those of other districts who seek to address the impacts of livestock to water quality.

Jeff Nejedly

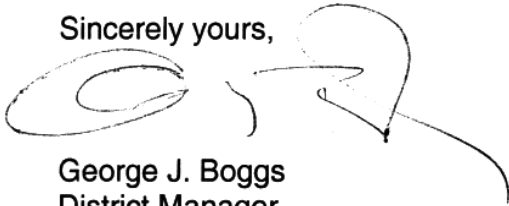
CCW Fund/CWA Section 319 Nonpoint Source Fund – Eligibility to address Livestock non-point impacts.

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We look forward both to an apology and assurances that these reasonable measures will be implemented. Thank you for your anticipated cooperation.

Sincerely yours,

A handwritten signature in black ink, appearing to read "George J. Boggs", with a large, stylized flourish extending to the right.

George J. Boggs
District Manager

Cc: WCD Board
Mark A. Clark, WSCC Executive Director
David C. Peeler, WQ Program Manager.